

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**

**NASHVILLE, TENNESSEE**

**June 9, 2004**

**IN RE:**

**TARIFF TO REMOVE VOICE MAIL SERVICE  
FROM THE GENERAL SUBSCRIBER SERVICES  
TARIFF – TARIFF NUMBER 2004-0492**

)  
)  
)  
)  
)

**DOCKET NO.  
04-00124**

---

**ORDER APPROVING TARIFF**

---

This matter came before Chairman Deborah Taylor Tate, Director Pat Miller, and Director Ron Jones of the Tennessee Regulatory Authority (the “TRA” or “Authority”), the voting panel assigned to this Docket, at a regularly scheduled Authority Conference held on May 10, 2004 for consideration of Tariff No. 2004-0492 filed by Concord Telephone Company (“Concord”) on April 22, 2004 to remove voice mail from its General Subscriber Services Tariff (“GSST”).

**Background**

In an Order issued on May 5, 2003 in Docket No. 03-00230,<sup>1</sup> the TRA determined that voice mail is an information service rather than a telecommunications service based on a similar determination by the Federal Communications Commission.<sup>2</sup> Pursuant to that Order, Concord filed Tariff No. 2004-0492, with an effective date of May 24, 2004, suggesting that voice mail need not be regulated by the TRA and removing voice mail from its GSST.

---

<sup>1</sup> See *In Re Complete Choice Plus Voice Mail Promotion – Tariff number 2003229*, Docket No. 03-00230, *Order Approving Tariff* (May 5, 2003).

<sup>2</sup> See *In the Matter of Federal-State Joint Board on Universal Service*, FCC 98-67 (*Report to Congress*) 13 F.C.C.R. 11,830, ¶ 75 (April 10, 1998)


In accordance with Tenn. Code Ann. § 65-5-202, TRA Rule 1220-4-1-.03(a) requires all rates and charges for every class of service offered in the State of Tennessee to be tarified. Under TRA Rule 1220-1-1-.05, the TRA is permitted to waive the requirements of this rule for good cause.<sup>3</sup>

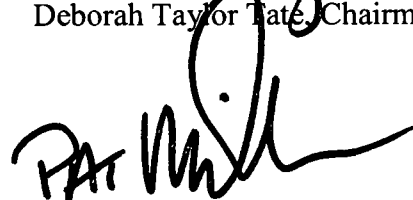
**May 10, 2004 Authority Conference**

At the May 10, 2004 Authority Conference, the Panel voted unanimously to waive the tariffing requirement of TRA Rule 1220-4-1-.03(a) for good cause shown and approve Concord Tariff No. 2004-0492 based on the prior determination that voice mail is an information service rather than a telecommunications service.

**IT IS THEREFORE ORDERED THAT:**

Tariff No. 2004-0492 filed by Concord Telephone Company to remove voice mail from its General Subscriber Services Tariff is approved.

  
Deborah Taylor Tate, Chairman

  
Pat Miller, Director

  
Ron Jones, Director

<sup>3</sup> See *Petition of Global Tel\*Link Corporation for a One-Time Waiver of TRA Rule 1220-4-2- 58* (TRA Docket No 02-00700)